



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fifteenth day of April Two Thousand Fifteen

PRESENT

THE HON'BLE MR JUSTICE K.KALYANASUNDARAM

CRL OP(MD) No.5909 of 2015

RAJESH @ RAJESH KANNAN

... PETITIONER/ACCUSED NO.3

Vs

THE INSPECTOR OF POLICE
KALLIDAIKURICHI POLICE STATION,
TIRUNELVELI DISTRICT. CRIME NO.203/2008

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.ANAND Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

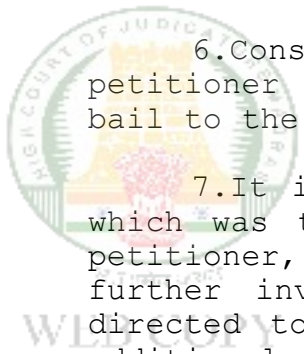
The petitioner is A3 and he was arrested on 12.05.2014 and remanded to judicial custody for the alleged offences punishable under sections 302, 380 and 212 of IPC, subsequently altered into sections 376, 302, 380 and 212 of IPC, in Crime No.203 of 2008 on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner along with the other accused have committed the offence of rape and murder on 30.09.2008.

3.The learned counsel for the petitioner submitted that there are five accused in this case and the petitioner was arrayed as A3 and his name does not find place in the FIR and he was implicated only based on the confession of the co-accused and the petitioner was not present in the scene of occurrence and only on the basis of the NBW, the petitioner was secured and remanded to judicial custody. He further submitted that the other accused in this case were already arrested and released on bail and hence, seeks bail for this petitioner.

4.Per contra, the learned Government Advocate (Criminal side) submitted that the petitioner has committed an act of rape on the deceased and he has also involved in 4 previous cases of robbery and dacoity.

5.It is further submitted that the occurrence had taken place on 30.09.2008, but the respondent was able to secure the petitioner only on 12.05.2014 i.e., after a period of six years. The learned Government Advocate (Criminal side) further submitted that once, the petitioner is released on bail, he will not be available for trial.



6.Considering the gravity of the offence and the absconding of the petitioner for more than six years, this court is not inclined to grant bail to the petitioner. Hence, this petition is dismissed.

7.It is seen that the respondent had already filed a charge sheet, which was taken on file as PRC No.27 of 2013 and after securing this petitioner, they have moved an application before the trial court for further investigation under section 173(8) Cr.P.C, the respondent is directed to complete the further course of investigation and file the additional charge sheet before the court concerned, within a period of one month from the date of receipt of a copy of this order.

sd/-
15/04/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE INSPECTOR OF POLICE
KALLIDAIKURICHI POLICE STATION, TIRUNELVELI DISTRICT.
2. THE SUPERINTENDENT, CENTRAL PRISON PALAYAMKOTTAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

SR : 20.04.2015 : 2P/4C

ORDER
IN
CRL OP(MD) No.5909 of 2015
Date :15/04/2015